

**REMARKS**

Claims 1 and 3-35 are pending in this application. By this Amendment, claim 1 is amended to overcome a rejection under 35 U.S.C. §101.

No new matter is added by this Amendment. Support for the language added to claim 1 can be found throughout the specification, for example at paragraphs 2 and 28 of the specification.

**I. Allowable Subject Matter**

Applicants note with appreciation that claims 6-35 are in condition for allowance.

**II. Rejection Under 35 U.S.C. §101**

Claims 1 and 3-5 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. This rejection is respectfully traversed.

The Patent Office alleges that the limitation "squares of different sizes sharing the same geometric center point...wherein N represents a large speckle that can be removed and M. represents a dimension the speckle lies from other objects" is directed to non-functional descriptive material since no requisite functionality is present to satisfy the practical application requirement.

Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirement of 35 U.S.C. §101. See MPEP §2106(IV)(B)(1)(b). Claim 1 recites an image processing system including a de-speckle algorithm having structuring element *A* for detecting and removing speckles from a scanned image. Applicants submit that the recited limitation of "squares of different sizes sharing the same geometric center point...wherein N represents a large speckle that can be removed and M. represents a dimension the speckle lies from other objects" provides a

necessary functional and structural interrelationship to satisfy the requirement of 35 U.S.C. §101.

Applicants submit that the image processing system including a de-speckle algorithm having structuring element *A* for detecting and removing speckles from a scanned image clearly explains the functional interrelationship between the image processing system, the de-speckle algorithm and the structural element *A* for detecting and removing speckles from a scanned image comprising a window shape comprising two squares of different sizes sharing the same geometric center point, wherein the pixel to be evaluated is at the center point of the structuring element *A*, wherein an inner square of the structuring element *A* has a side dimension *N*, and an outer square has a side dimension *M*, wherein *N* represents a largest speckle that can be removed and *M* represents a dimension the speckle lies from other objects, as recited in claim 1 is patentable under 35 U.S.C. §101.

For the foregoing reasons, Applicants submit that claims 1 and 3-5 are patentable. Reconsideration and withdrawal of the rejection are thus respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-35 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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